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ASSISTANT COMMISSIONER OF PATENTS  
P.O. Box 1450  
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Re: Patent application made "special", because of "age"

April 4th 2005

Dear Commissioner

I am writing this letter, on the above referenced subject, and addressing it "personal" to you because, if it proves, that a mistake is being made, in the handling of the above referenced applications, I believe that, you are the person, to learn about it and the one to correct it.

I understand that, all applications from Senior citizens (SC), aged 65 and older, are made "special". meaning that, they are taken off the bulk of all the applications received and moved into a "special" platform, which has its own serial numbers, for consideration.

My question now is : What happens to a new application, from a supposedly 89 year old SC that, when it arrived at the "special" platform, there were 60 "special applications, already waiting there. Was it automatically put at the end of the waiting line, or what?

To solve this problem and find the proper and equitable answer, conforming to the letter of the law, we must, I believe, go back and examine the wording of the "special regulation, which in this case states that these applications should be made "special" "because of age". (Meaning applicant's age).

Age therefore, is the operative word and the age of the applicant, we believe, should be the controlling factor, for all the steps taken, to bring this "special" application, to the examiner.

We believe that, this is the proper way of interpreting the "because of age" consideration because, a 65 year old applicant, has 24 years advantage time, over the 89 year old applicant and also important, 24 years younger physical and mental faculties, to use them, when answering the examiner's arguments.

Another obvious consideration for the above preference is that, when the 89 year old was moved to the head of the waiting line, because there was no one else 89 or older, before him, all the 60 applicants already there, lost and went back only one step, but had the 89 year old, been put at the end of the line, because he was the last one to arrive there, the poor man would loose and go back 60 steps, an unfair and not conforming to the law treatment.

My reason for raising this question, is also personal. I have a patent application filed on 08/04/03. I supplied at that time the proper documents proving that I was 89 years old, and was confirmed that it was made "special", but every time I check in the PAIR, I find that my number 10/634,068, has not come up to the examiners yet, and makes me wonder: are there so many older than me, applicants waiting in that list, or is there a different method of consideration, for issuing the "special" serial numbers, than the one, I described above.

It could, of course, be an honest mistake, but if it is, it is very detrimental to me, and all the other older applicants, in similar circumstances.

Finally, on the same subject of preferential treatment for aged applicants, I have another pending patent application, number 10/459,823, dated 06-11-2003, which was assigned to examiner Sihong Huang, art unit 2632, who sent me a non final Office Action, dated 09/22/2004, which I answered, with my letter of October 13 2004.

This I note in the PAIR, was received and sent to the examiner, and the last document I received from PTO, is a Confirmation No 3182, "Notice of Publication of application", and now see in PAIR that, it was published, on December 16, 2004. I have no answer to my letter of October 16 2004, or any other note, from examiner Mr Huang and wonder, if everything is all right.

I would very much appreciate, Commissioner, if someone in your office answers to clarify my above questions because, every time I call and ask, the standard answer to me is that "I have to wait, because these things take a long time"

But, now at 91, Commissioner, how much more time, do I really have, to wait.

Yours Very Truly



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